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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,412	03/30/2001	Eleanor S. Wilson	85SF-00110	3204
23465	7590	07/13/2007		
JOHN S. BEULICK C/O ARMSTRONG TEASDÁLE, LLP ONE METROPOLITAN SQUARE SUITE 2600 ST LOUIS, MO 63102-2740			EXAMINER COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3694	
			MAIL DATE	DELIVERY MODE
			07/13/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/681,412

**Applicant(s)**

WILSON ET AL.

**Examiner**

Ella Colbert

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 45-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 45-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-20 and 45-55 are pending. Claims 1-3, 9-12, 19, 20, 45-47, 52, and 53 have been amended in this communication filed 04/24/07 entered as Response After Non-Final Action and New or additional drawings.
2. The objections to the drawings have been overcome by the resubmission of the drawings and are hereby withdrawn.
3. The objections to the Specification have been overcome by Applicant's amendments to the Specification and are hereby withdrawn.
4. The objections to claims 1, 9, 11, 19, 45, and 52 have been overcome by Applicant's amendment to claims 1, 9, 11, 19, 45, and 52 and are hereby withdrawn.
5. The 35 USC 112 second, paragraph rejection for claims 1-20 and 45-53 has been overcome in part by Applicant's amendments to the claims and is hereby withdrawn in part as set forth here below.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 1, 2, 3, 11, 12, 13, 45, and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, recites the "requirements are for financing the energy-related asset". Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting an essential step, such omission amounting to a gap between the steps. See

MPEP § 2172.01. The omitted step are is "prompting a customer to provide information related to a financing requirement".

Claim 2 recites "enabling the customer ...;". This is not a positive recitation in the claim. The claim would be better positively recited as "evaluating by the computer a financing type selected by the customer" or "selecting a financing type by the customer to be evaluated by the computer". Claims 3, 12, 13, and 47 have a similar problem.

Claim 11 cites in line 3 "prompt a customer ... to financing requirement;" and in line 7 recites "requirement for financing the energy-related asset;". It is unclear whether there is one financing requirement or more than one financing requirement. If Applicants' have "a financing requirement" then line 7 should recite "the requirement for financing the energy-related asset;".

Claim 45, page 9 recites "means for prompting the customer ... regarding requirements for financing ...". It is unclear whether Applicants' mean "regarding a requirement for financing ..." or "regarding requirements for financing ...". Also, claim 45 should contain the limitation "means for prompting a customer to provide information related to a financing requirement" in order to parallel claim 11 and to be in agreement with independent claims 1 and 11.

Claims 2-10, 12-20, and 46-53 are also rejected because of their dependency from a rejected base claim.

There has not been an art rejection given because of the claim objections and rejections. Once these claim objections and rejections have been overcome and if no one knows of any art that would reject the claims or any outstanding objections or

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rejections to the claims remain and after an updated search there is not any art found to reject the claims an allowance will be issued.


### **Inquiries**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 5, 2007

  
ELLA COLBERT  
PRIMARY EXAMINER